

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 01-6211

DONALD J. STRABLE,

Plaintiff - Appellant,

versus

COUNTY OF ABBEVILLE, SOUTH CAROLINA,

Defendant - Appellee.

Appeal from the United States District Court for the District of South Carolina, at Anderson. William M. Catoe, Jr., Magistrate Judge. (CA-00-3935-8-13AK)

Submitted: July 12, 2001

Decided: July 19, 2001

Before WILLIAMS, MICHAEL, and MOTZ, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Donald J. Strable, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.
See Local Rule 36(c).

PER CURIAM:

Donald J. Strable appeals the district court's order dismissing his 42 U.S.C.A. § 1983 (West Supp. 2000) complaint. Strable's case was referred to a magistrate judge pursuant to 28 U.S.C. § 636(b)(1)(B) (1994). The magistrate judge recommended that relief be denied and advised Strable that failure to file timely and specific objections to this recommendation could waive appellate review of a district court order based upon the recommendation. Despite this warning, Strable failed to file specific objections to the magistrate judge's recommendation.

The timely filing of objections to a magistrate judge's recommendation is necessary to preserve appellate review of the substance of that recommendation when the parties have been warned that failure to object will waive appellate review. Fed. R. Civ. P. 72(b); Wright v. Collins, 766 F.2d 841, 845-47 (4th Cir. 1985); see also Thomas v. Arn, 474 U.S. 140, 155 (1985). Failure to file specific and written objections shall constitute a waiver of a party's appellate review if the recommendation is accepted by a district judge. Schronce v. United States, 727 F.2d 91, 94 & n.4 (4th Cir. 1985); Wright, 766 F.2d at 845-47 & nn.1-3. Strable has waived appellate review by failing to file specific objections to the magistrate judge's recommendation after receiving proper notice. Accordingly, we affirm the judgment of the district court. We dispense with oral argument because the facts and legal conten-

tions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED